IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4384 OF 2006

Smt. Shanti Rai Chhabaria ..Applicant

Vs.

State of Maharashtra and ors. ..Respondents

Mr. R. Sathyanarayanan for applicant.
Mr. Randhir Singh for respondent nos.2 to 4.
Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 19, 2007.

P.C.:

1. Heard Mr. Sathyaarayanan the learned counsel for the applicant. C.C. No.988/SS/2005 has been dismissed by the learned Metropolitan Magistrate and the accused came to be acquitted. Hence this application for special leave to appeal under Section 378(4) of Cr.P.C.

2. Mr. Sathyanarayanan has placed on record the oral depositions copies and it is clear from the cross-examination of PW 2, i.e. the present

applicant, that the subject cheque dishonoured was received in the year 2001 and the same was issued as a security against the loan of Smt. Dipti Thakkar. The learned Metropolitan Magistrate, therefore, held that the dishonoured cheque was not issued against the debt or any other legal liability that the drawer of the cheque was required to discharge vis-a-vis the complainant. On the face of the admissions, as stated hereinabove, the view taken by the learned Metropolitan Magistrate cannot be faulted with and the reasoning set out in support of the acquittal order does not call for reconsideration at the hands of this court.

3. Hence, the leave is refused and the application is rejected.

(B.H. Marlapalle,J.)